

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH LODUCA,

Petitioner

v.

MICHAEL GOURLEY

Respondent

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4:24-CV-1192
(JUDGE MARIANI)

ORDER

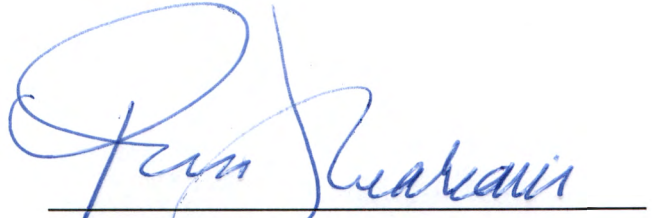
AND NOW, THIS 12th DAY OF JUNE, 2025, upon review of Magistrate

Judge William Arbuckle's Report and Recommendation ("R&R") (Doc. 13) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 13) is **ADOPTED** for the reasons set forth therein.¹
2. Joseph LoDuca's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1) is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute this action.

¹ On May 12, 2025, the R&R was returned to the Court as not delivered due to Petitioner's release from incarceration. (Doc. 12). This Court thereafter located a recent address, used by Petitioner in his appellate filings in the Superior Court of Pennsylvania, and directed the Clerk of Court to mail the R&R and other relevant documents to this new address in an attempt to ensure Petitioner's ability to pursue this case, should he so choose. (Doc. 15). The Court's Order, and the accompanying documents, were also returned as undeliverable. (See Doc. 16). This sequence of events provides further support for Judge Arbuckle's conclusion that Petitioner has, since his release from incarceration in August of 2024, failed to meet his obligation of providing the Court with an updated and current address and that this action should be dismissed for failure to prosecute.

3. A Certificate of Appealability **SHALL NOT ISSUE**.
4. The Clerk of Court is directed to **CLOSE** this case.

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge